THE HONOURABLE SRI JUSTICE N.V.RAMANA

W. P.No.6438 of 2007

Dated:30.03.2007

Between:

P. Venkateswarlu.

.....PETITIONER

AND

Authority under Minimum Wages Act and Deputy Commissioner of Labour, Ranga Reddy District Zone and another.

....RESPONDENTS

THE HONOURABLE SRI JUSTICE N.V.RAMANA

W.P.No.6438 of 2007

ORDER:

Questioning the order, dated 09.03.2007, passed in I.A.No.18 of 2006 in M.W.I.A.No.9 of 2006, by the 1st respondent, allowing the petition on condition of deposit of original claim amount of Rs.75,829/-, the petitioner filed the present writ petition.

2. The 2nd respondent filed M.W.I.A.No.9 of 2006 before the 1st respondent, claiming the alleged difference of minimum wages at Rs.75,829/- for the period from 01.04.2005 to 30.09.2005. In the said application, an *ex parte* order was passed on 25.08.2006 as there was no representation made on behalf of the petitioner. Thereafter, the petitioner filed I.A.No.18 of 2006 to set aside the *ex parte* order, dated 25.08.2006, and the same was allowed subject to condition of the petitioner depositing the original claim amount of Rs. 75,829/- within 15 days from the date of receipt of a copy of that order. Aggrieved by the same, the petitioner filed the present writ petition.

3. The learned counsel for the petitioner contended that though

the 1st respondent allowed the *ex parte* set aside petition, yet he committed an error in ordering to deposit the entire claim amount without issuing any notice.

4. Heard the learned counsel for the petitioner and the learned Government Pleader for Labour for the respondents.

5. A perusal of the order, dated 25.08.2006, passed by the 1st respondent would show that even though notice was served to the petitioner, because of the mistake of his counsel, no representation was made on his behalf, and by relying upon the judgment of this Court in ***TTK PHARMA LTD., JEEDIMETLA v. AUTHORITY UNDER THE MINIMUM WAGES ACT UNDER SECTION 20(2) AND DEPUTY COMMISSIONER OF LABOUR***[1] allowed the said petition subject to condition of the petitioner depositing original claim amount of Rs.75,829/- within 15 days from the date of receipt of a copy of the said order.

6. Having regard to the facts and circumstances of the case, I am of the considered opinion that the ends of justice would be met, if the impugned order is upheld, but with a condition that the amount directed to be deposited by the petitioner, is not permitted to be withdrawn by the respondents.

7. Accordingly, the writ petition is disposed of directing the petitioner to deposit the amount of Rs.75,829/-, as directed by the 1st respondent in the impugned order, within a period of ten days from today, and on such deposit, the respondents shall not

withdraw the same till the matter is finally disposed of by the authority. No costs.

N.V. RAMANA, J.

Date:30.03.2007.

sj

[1] 2000(1) ALD 479